

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Baltimore Division**

ROBERT SMITH, JR., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	C.A. No. 1:12-cv-02029-WDQ
v.	)	
	)	
TOYOTA MOTOR CREDIT	)	Removed From Circuit Court for Baltimore
CORPORATION	)	City, Maryland, C.A. No. 24-C-12-003063
	)	
Defendant.	)	
	)	

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**MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS  
AND APPROVAL OF CLASS REPRESENTATIVE INCENTIVE AWARD**

Plaintiffs, Robert Smith, Jr. and Brittney E. Williams, individually and on behalf of a class of all others similarly situated ("Class Representatives"), by and through their undersigned attorneys, pursuant to Rule 54, Fed.R.Civ.P. respectfully move this Court for an order awarding attorneys' fees and costs to counsel for the Class Representatives, and for approval of the incentive awards to the Class Representatives, and in support would show as follows:

1. The instant action involves claims brought by the Class Representatives as a class action against Defendant, Toyota Motor Credit Corporation ("TMCC"), for violation of Md. Ann., Comm. Law §12-1001, *et seq.*, known more commonly as the "Credit Grantor Closed End Credit Provisions ("CLEC"), with respect to the repossession and repossession sale of automobiles.
2. On April 15, 2014, after a lengthy mediation and extensive negotiations, the respective parties entered into a Class Action Settlement Agreement, the original of which was previously filed with this Court.
3. Pursuant to the Class Action Settlement Agreement, the Class Representatives and

TMCC agreed as follows with respect to the payment of attorneys' fees and expenses for Class Counsel:

**5. Attorneys' Fees and Costs to Settlement Class Counsel**

5.1 General: Settlement Class Counsel shall apply to the Court under the common fund/common benefit doctrine for an award of attorneys' fees and litigation expense, including mediation expense, travel expense and court costs to be paid from the Settlement Fund, in an amount not to exceed Two Hundred Ten Thousand Dollars (\$210,000), subject to Court approval. TMCC agrees not to object to any such application which does not exceed the aforementioned amount. Settlement Class Counsel agree that the costs and fees awarded by the Court shall compensate them for all legal work in the Action up to and including in the Action after the date of Final Judgment. Notwithstanding anything set forth elsewhere in this section or in this Agreement, TMCC and Related Parties shall have no obligation under any circumstances to pay more than a total of \$425,000, inclusive of attorneys' fees, costs, and expenses as may be awarded to the Settlement Class Counsel and any other lawyers or law firms claiming fees and/or costs in connection with this Action.

The Parties expressly acknowledge and agree that except as expressly provided in this Section 5.1, each Party shall bear their own legal fees and costs in connection with the Action and this Settlement.

5.2 Payment: The attorney fee award shall be paid to Settlement Class Counsel by the Settlement Class Administrator by wire transfer to the Trust Account of Williams & Santoni, LLP; FEI No. 81-0575694, within ten (10) days after Final Judgment.

(“Attorneys’ Fee Provision”)

4. Pursuant to ¶ 7 of the Class Action Settlement Agreement, TMCC agreed to pay an incentive award to the Settlement Class Representatives as follows:

**7. Benefit of Settlement Class Representatives.**

7.1 At the time of the Final Approval Hearing, the Settlement Class Representatives shall apply to the Court for a Settlement Class Representative incentive award in the sum of Five Thousand Dollars (\$5,000.00) to each Settlement Class Representative, subject to Court approval, in addition to their recovery as members of the Settlement Class hereunder. The payment of any such incentive awards, as approved by the Court, shall be made from the Settlement

Fund and by checks made payable to the respective Settlement Class Representatives.

5. On April 28, 2014, this Court entered an Order Granting Preliminary Approval of Class Settlement ("Preliminary Approval Order").

6. Pursuant to the Preliminary Approval Order and the Settlement Agreement, the Class Representatives seek an award of reasonable attorneys' fees and costs incurred by Class Counsel in the instant proceeding in accordance with the Attorneys' Fee Provision of the Class Action Settlement Agreement and the memorandum to be filed in support hereof.

WHEREFORE, Plaintiffs, Robert Smith, Jr. and Brittney E. Williams, individually and on behalf of a class of all others similarly situated, respectfully move this Court for an order awarding attorneys' fees and costs, and the class representative incentive awards, in accordance with the above argument.

Respectfully submitted,

/s/ Robert W. Murphy

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Co-Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 22, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on Christopher M. Loveland, Esquire, c/o Sheppard Mullin Richter & Hampton LLP, 1300 I Street, N.W., 11<sup>th</sup> Floor East, Washington, D.C., 20005-3314; Anna S. McLean, Esquire, c/o Sheppard Mullin Richter & Hampton LLP, Four Embarcadero Center, 17<sup>th</sup> Floor, San Francisco, CA 94111; Jane Santoni, Esquire, Williams & Santoni, LLP, 401 Washington Avenue, Suite 200, Towson, Maryland 21204, in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic filing.

/s/ Robert W. Murphy  
Attorney